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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/111,731	07/08/1998	YOSHINOBU SHIRAIWA	35.C12836	6151

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EXAMINER

BRIER, JEFFERY A

ART UNIT PAPER NUMBER

2672

DATE MAILED: 11/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/111,731

Applicant(s)

SHIRAIWA ET AL.

Examiner

Jeffery A. Brier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 September 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 19-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 19-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 1998 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 09/11/02 has been entered.

***Response to Amendment***

2. The amendment filed on 09/11/2002 has been entered. This amendment amended claims 1, 8, 9, 19, 22 and 23.

***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "61" has been used in figure 8 to designate both image data converting unit and color temperature converting unit. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because figures 24 and 25 do not have reference signs and because figures 24 and 25 do not have a detailed description in the specification. A proposed drawing correction, corrected drawings, or amendment to the

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specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

5. The disclosure is objected to because of the following informalities: on page 49 line 5 reference is made to a figure 29 while there are only figures 1-27 on sheets 1-27 in this application.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1-9 and 19-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 1-9:

Independent claims 1, 8 and 9 were amended to claim "generating a second conversion condition based on color temperature information of the second illuminating light". Page 18 line 21 to page 21 line 4 of the specification has been considered, but, it

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does not support that which has been added to the claims since the specification does not in the description of the color temperature discuss a first illuminating light and a second illuminating light, since the specification does not make clear that the color temperature is based on the second illuminating light, and since the light sensor of page 20 line 25 to page 21 line 4 was not described as sensing the color temperature of the second illuminating light. The specification fails to state whether the color temperature is based upon the initial light conditions or the light conditions occurring after the light sources have changed.

Claims 19-23:

Independent claims 19, 22 and 23 were amended to claim "providing a preview of a processing result of the generated conversion condition". Page 18 lines 2-16 and figure 14 has been considered, but, it does not support that which has been added to the claims since the specification described processing the original image according to the lighting characteristic coefficient set on the bar. The specification does not describe the claimed "processing result of the generated conversion condition". The claimed "processing result of the generated conversion condition" can be many things and the specification does not assist in determining the scope of the claimed "processing result of the generated conversion condition".

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***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 2, 8, 9, 19, and 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kouzaki, U.S. Patent No. 5,446,476.

Claims 1, 8 and 9:

Kouzaki teaches converting data dependent on a first illuminating light into data dependent on a second illuminating light. Note column 4 line 53 to column 5 line 9.

Kouzaki also teaches the newly added claim limitation of "generating a second conversion condition based on color temperature information of the second illuminating light" at column 5 line 1 since Kouzaki takes color temperature into consideration when converting data dependent on a first illuminating light into data dependent on a second illuminating light.

Kouzaki fails to teach selecting two or more illuminating light from the plural illuminating lights according to the second illuminating light and fails to generate a claimed proportion of syntheses of conversion data for the selected plural illuminating lights.

Appel teaches at column 8 lines 23-39 selecting more than one illumination source by stating "The operator could then select... or any other lighting condition whose spectra was known".

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It would have been obvious to one of ordinary skill in the art at the time of applicants invention to modify Kouziki to allow two or more light sources to be selected in order to more realistically simulate real world conditions since real world conditions typically have several light sources. For example the typical office or home environment has both natural (sunlight) and non natural (light bulb) sources. When two or more light sources are selected the conversion process of Kouziki will have to be modified to include determining the amount each light source will contribute to the data conversion process, this is applicants claimed proportion of syntheses of conversion data for the selected plural illuminating lights. This modification of Kouziki would have been obvious to one of ordinary skill in the art at the time of applicants invention because to determine the contribution of each light source entails the mathematical concept of proportions.

Claim 2:

The different light sources would cause the printed image to have different color rendering due to the color makeup of each light source.

Claims 19, 22 and 23:

The rejection set forth above for claims 1, 8 and 9 applies to claims 19, 22 and 23 and is incorporated by reference here. In addition the newly added limitation "providing a preview of a processing result of the generated conversion condition" is taught by Kouzaki when the operator prints the image with the selected settings and previews the results prior to distribution of the print.

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Claim 21:

The user interface shown in figures 2-4 displays a converted original image by printing the converted original image.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coullette, U.S. Patent No. 5,081,529, teaches converting data dependent on a first illuminating light into data dependent on a second illuminating light and teaches converting the data based upon the color temperature of the ambient lighting. Note column 6 line 19 as well as column 3 lines 20-43, column 3 lines 3-32 and column 6 lines 33-63.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffery A. Brier whose telephone number is (703) 305-4723. The examiner can normally be reached on M-F from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached at (703) 305-4713).

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231



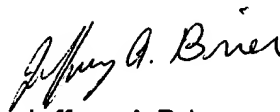
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**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



Jeffery A Brier  
Primary Examiner  
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